



07-22-03

# 20 PAC #

PTO/SB/64 (10-01)  
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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)  
2269-3526.4US (97-  
1136 05/US)

First named inventor: Ko et al.

Application No.: 09/711,324

Group Art Unit: 1765

Filed: November 13, 2000

Examiner: K. Chen

Title: ETCHANT WITH SELECTIVITY FOR DOPED SILICON DIOXIDE OVER UNDOPE SILICON DIOXIDE AND SILICON NITRIDE, PROCESSES WHICH EMPLOY THE ETCHANT, AND STRUCTURES FORMED THEREBY

Attention:  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact  
Petitions Information at (703)305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

☐ Small entity - fee \$\_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$\_\_\_\_\_ (37 CFR 1.17(m))

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in the form of RCE and Amendment Accompanying Request for Continued Examination (identify type of reply):

- ☐ has been filed previously on \_\_\_\_\_.  
☒ is enclosed herewith.

B. The issue fee of \$ \_\_\_\_\_

- ☐ has been paid previously on \_\_\_\_\_.  
☐ is enclosed herewith.

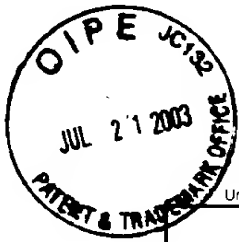
[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

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OFFICE OF PETITIONS



3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$\_\_\_\_\_ for a small entity or \$\_\_\_\_\_ for other than a small entity) disclaiming a period equivalent to the period of abandonment is enclosed herewith (see PTO/SB/63).

4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c)(III)(C) and (D))].

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

July 21, 2003

Date

*Brick G. Power*

Signature

Telephone  
Number: (801) 532-1922

Brick G. Power, Reg. No. 38,581

Typed or printed name

230 South 500 East, Suite 300, P.O. Box 2550

Address

Salt Lake City, UT 84110

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☒ Other : Fee Transmittal and Check No. 4707 in the amount of \$108 for additional claims fee

**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(A)]**

I hereby certify that this correspondence is being:

NOTICE OF EXPRESS MAILING

Express Mail Mailing Label Number: EV325772114US

Date of Deposit with USPS: July 21, 2003

Person making Deposit: Matthew Wootton

July 21, 2003

Date

*Brick G. Power*

Signature

Brick G. Power, Reg. No. 38,581

Typed or printed name of person signing certificate

Applicants' filed a Notice of Appeal on September 28, 2001 and an Appeal Brief on November 26, 2001 followed by a Reply Brief on February 19, 2002. The Board of Patent Appeals and Interferences mailed a Decision on Appeal on April 21, 2003.

I hereby certify that the entire delay in filing the required reply to the Decision on Appeal mailed April 21, 2003, which reply period expired on June 21, 2003, until the filing of a grantable petition pursuant 37 C.F.R. § 1.137(b) was unintentional.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

In view of the foregoing, it is respectfully submitted that the abandonment of the above-referenced application was in no way intended on the part of the Applicants or the Applicants' attorney and was, therefore, unintentional. Therefore, revival of the above-referenced application at an early date is respectfully requested.